

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LUCIO CELLI,

Plaintiff,

-against-

JUDGE ENGELMAYER, et al,

Defendants.

22-CV-6535 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated August 9, 2022, the Court directed Plaintiff, within thirty days, to either pay the \$402.00 in filing fees that are required to file a civil action in this Court or submit a completed request to proceed *in forma pauperis* (IFP) and prisoner authorization. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not paid the fees or filed an IFP application and prisoner authorization.<sup>1</sup> Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

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<sup>1</sup> Plaintiff submitted the complaint with his address of record located in Wappingers Falls, NY. However, the “inmate locator” feature of the Federal Bureau of Prisons’ (BOP) website indicated that Plaintiff was in custody at FMC Lexington in Kentucky. On August 11, 2022, the Clerk of Court mailed copies of the order to Plaintiff at his address of record and at FMC Lexington. On September 29, 2022, the copy of the order that was mailed to FMC Lexington was returned as undeliverable, although the BOP’s inmate locator continues to indicate that Plaintiff is still incarcerated there. *See* <https://www.bop.gov/inmateloc/> (last visited on Oct. 13, 2022).

The Clerk of Court is directed to issue judgment in this case.

SO ORDERED.

Dated: October 13, 2022  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge